

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
08 MAR 10 AM 11:06

UNITED STATES OF AMERICA,

Plaintiff,

v.

Olivia VALDEZ-Castro

Defendant.

Magistrate Case No. **'08 MJ 0751**

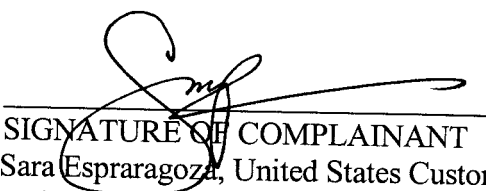
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Alien(s)  
Without Presentation

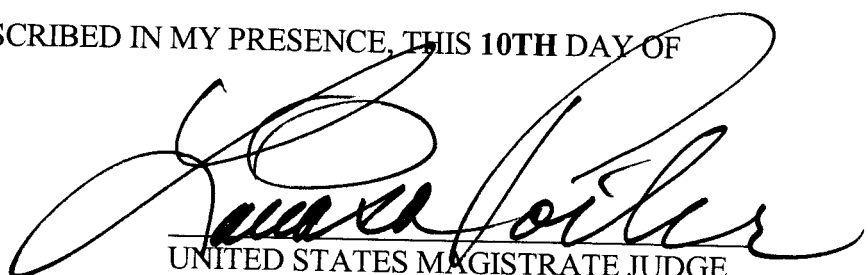
The undersigned complainant being duly sworn states:

On or about **March 6, 2008**, within the Southern District of California, defendant **Olivia VALDEZ-Castro**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose Carmen ORTEGA-Mendoza, Jorge HERNANDEZ-Medrano and Brenda ARGUELLO-Garcia**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Espraragoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10TH** DAY OF  
**MARCH, 2008.**

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I, United States Customs and Border Protection (CBP) Enforcement Officer J. Poplawski, declare under penalty of perjury the following to be true and correct:

The complainant states that Jose Carmen ORTEGA (MW1), Jorge HERNANDEZ-Medrano(MW2) and Brenda ARGUELLO-Garcia(MW3), is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 7, 2008 at approximately 2120 hours Olivia VALDEZ-Castro (Defendant) made application for admission into the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a 1995 Dodge Neon. A Customs and Border Protection Officer (CBP) received a negative declaration from the defendant. Defendant presented a DSP-150 Border Crossing Card for an entry document. Defendant stated she was going to San Diego California and that the vehicle belonged to a friend. The Officer noticed that the defendant was not the person on the DSP-150 BCC presented. The Officer performed an inspection of the vehicle and discovered several undocumented aliens in the trunk of the vehicle. The vehicle and occupants were taken into vehicle secondary for further investigations.

In secondary, a CBP Officer inspected the vehicle and discovered five undocumented aliens in the trunk. Officers assisted in removing the five undocumented aliens from the trunk of the vehicle. Two male adults, two female adults and one female minor were removed.

Further investigations revealed the five undocumented aliens to be citizens and natives of Mexico with no entitlements to enter the United States. Three of the five undocumented aliens are now identified as material witnesses Jose Carmen ORTEGA (MW1), Jorge HERNANDEZ-Medrano(MW2) and Brenda ARGUELLO-Garcia(MW3).

During a videotaped proceeding, Defendant was advised of her Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted knowledge to smuggling aliens in the trunk of the vehicle. Defendant admitted she was going to receive a \$1000.00 USD discount in exchange for driving the vehicle. Defendant admitted she was going to Los Angeles, California to work and live with her sister. Defendant admitted presenting a DSP-150 not lawfully belonging to her as an entry document.

On separate videotape interviews, Material Witnesses declared they are citizens of Mexico who have no legal right to enter the United States. Material Witnesses stated they were en route to California to seek employment and live. Material Witnesses stated they were going to pay \$3000.00 USD to be smuggled into the United States.

EXECUTED ON MARCH 7, 2008 AT 1600.

  
J. Poplawski / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe that the defendant named therein committed the offense on March 7, 2008 in violation of Title 8, United States Code, and Section 1324.

  
MAGISTRATE JUDGE

3/8/08 940 AM  
DATE / TIME